

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES,

No. C 04-00309-3 CRB

Plaintiff,

ORDER

v.

JEREMY SCOTT RAYMER,

Defendant.

Now pending before the Court is Defendant's Motion for Reconsideration of Sentencing. This Court lacks jurisdiction to amend Defendant's sentence both because more than seven days have passed since the Court imposed the sentence on September 27, 2006, and because Defendant does not assert that the sentence is the product of "arithmetical, technical, or other clear error." Fed. R. Crim. P. 35(a). See also United States v. Penna, 319 F.3d 509, 510-12 (9th Cir. 2003); United States v. Barragan-Mendoza, 174 F.3d 1024, 1029 (9th Cir. 1999). Moreover, even if it were at liberty to consider the merits of Defendant's motion, the Court has concluded upon re-examining the plea colloquy, the sentencing memoranda, and the pre-sentence report, that the sentence imposed is an appropriate one. Accordingly, Defendant's motion is DISMISSED.

IT IS SO ORDERED.

United States District Court
For the Northern District of California

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Dated: October 20, 2006



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE